

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Desert Breeze Mobile Home Estates Water System
Water System No. 1502257

Attn: Daniel Epstein, Owner
Desert Breeze Mobile Home Estates
P. O. Box 17482
Encino, CA 91416

CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1502247**

October 2015

C I T A T I O N N O. 03-19-16C-006

Issued on January 13, 2016

STATEMENT OF FACTS

Desert Breeze Mobile Home Estates Water System (hereinafter Water System) is classified as a community water system and serves a population of approximately 115 persons through 63 service connections.

The Water System operates under the authority of Domestic Water Supply Permit No. 03-19-00P-004, issued on November 8, 2000, by the California Department of Health Services. Effective July 1, 2014, regulatory jurisdiction of the Water System was transferred to the State Water Resources Control Board (hereinafter State Board), Division of Drinking Water. Due to change in the ownership of the Water System, the

1 new owner has submitted a permit application to the State Board. The State Board is
2 currently working on preparing the permit documents and plans to issue a new permit
3 to the Water System in 2016.

4
5 The Southern California Drinking Water Field Operations Branch, Division of
6 Drinking Water (hereinafter Division), State Water Resources Control Board, is
7 responsible for enforcing the Safe Drinking Water Act and regulations promulgated
8 pursuant thereto.

9
10 Section 116650 of the California Health and Safety Code authorizes the issuance of a
11 citation to a public water system for violation of the California Safe Drinking Water
12 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
13 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
14 or order issued or adopted thereunder.

15
16 The State Board, acting by and through its Division of Drinking Water and the Deputy
17 Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to
18 Desert Breeze Mobile Home Estates Water System (mailing address: P.O. Box 17482,
19 Encino, CA 91416) for violation of California Code of Regulations (CCR), Title 22,
20 Section 64426.1 subsection (b)(2).

- 21
- 22 • The Water System collects one (1) routine distribution system bacteriological
23 sample per month in accordance with its approved Bacteriological Sample
24 Siting Plan.
 - 25 • One (1) routine bacteriological quality sample collected on October 20, 2015,
26 from the distribution system, tested positive for total coliform bacteria.
- 27

- 1 • One (1) out of four (4) repeat bacteriological quality samples collected on
2 October 23, 2015, from Well 01, for compliance with the total coliform rule as
3 well as the Ground Water Rule, tested positive for total coliform bacteria.
- 4 • **Desert Breeze Mobile Home Estates Water System failed the total coliform**
5 **maximum contaminant level (MCL) for October 2015 [Section**
6 **64426.1(b)(2), Authorities].**
- 7 • On October 26, 2015, Dan Sackett of skOO'kum h2o monitoring inc., the
8 Water System's contract sampler, informed the State Board via email that the
9 Water System failed the total coliform MCL for the month of October 2015.
- 10 • After providing emergency disinfection and flushing of Well 01 and
11 distribution system, five (5) special samples were collected on October 27,
12 2015, from the distribution system, and one (1) special sample was collected
13 from Well 01. All six (6) samples collected on October 27, 2015, tested
14 negative for total coliform bacteria.
- 15 • None of the samples collected in October 2015 showed the presence of *E.coli*
16 bacteria.
- 17 • On November 13, 2015, a public notice and *Certification of Completion of*
18 *Public Notification* were emailed to the Water System for the October 2015
19 total coliform MCL failure.
- 20 • On November 16, 2015, the State Board received signed and dated copies of
21 the *Certification of Completion of Public Notification* and the public notice.
22 According to these documents, posting of the public notification was
23 completed on November 16, 2015. According to the revised *Certification of*
24
25
26
27

1 *Completion of Public Notification* form received on November 18, 2015, from
 2 the Water System, copies of the public notices were distributed on November
 3 18, 2015, to the customers of the Water System.

- 4 • On November 13, 2015, an investigation report was emailed to the Water
 5 System, for the October 2015 total coliform MCL failure.
- 6 • On December 14, 2015, the State Board received a copy of the completed
 7 investigation report. The investigation report was completed by William
 8 O'Hara, Maintenance Man with the Water System. According to the
 9 investigation report, a possible cause of total coliform positive samples may
 10 due to the deteriorated well head seal, which was later resealed.
- 11 • Five (5) routine bacteriological samples collected on November 17, 2015, from
 12 the distribution system, tested negative for total coliform bacteria.
- 13 • Results of all (source and distribution) bacteriological samples collected from
 14 January 2015 to November 2015 are summarized in **Attachment A**.

18 **AUTHORITIES**

19 **Section 116577 of the CHSC**, states in relevant part:

20 "(a) Each public water system shall reimburse the State Board for the actual costs incurred by the
 State Board for any of the following enforcement activities related to that water system:

- 21 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- 22 (2) Preparing, and issuing public notification

23 ...

24 (b) The State Board shall submit an invoice for these enforcement costs to the public water system
 that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs
 were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and
 the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual
 costs to the State Board of the enforcement activities specified in this section."...

25 **Section 116650 of the CHSC**, states in relevant part:

26 "(a) If the State Board determines that a public water system is in violation of this chapter or any
 regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a
 citation to the public water system. The citation shall be served upon the public water system personally
 or by certified mail. Service shall be deemed effective as of the date of personal service

or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation."

Section 116655 of the CHSC, states in relevant part:

(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the State Board.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining

compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the State Board has determined that the Desert Breeze Mobile Home Estates Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for September 2015, when more than one sample collected in September 2015, tested positive for total coliform bacteria.

The above violation is classified as a non-continuing violation.

DIRECTIVES

Desert Breeze Mobile Home Estates Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Section 64426.1(b)(2), of Title 22, California Code of Regulations.
2. The Water System shall reimburse the State Board, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the State Board) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Sections 116577(a)(1-2) and 116577(b).

FURTHER ENFORCEMENT ACTIONS

Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State Board to: issue additional citations with assessment of penalties if a public water system continues to fail or correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the State Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This citation shall apply to and be binding upon Desert Breeze Mobile Home Estates Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Desert Breeze Mobile Home Estates Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTIES

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the State Board imposing an administrative penalty in an amount not to exceed one thousand dollars (\$1,000) per day as of the date of violation of any provision of this Citation.

Jan. 13, 2016
Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Drinking Water Field Operations Branch

Certified Mail No.7015 1520 0000 4433 1563

ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2015 – November 2015

CC: Kern County Environmental Health Services Department (w/o attachment)
Cleo Burt, Park Manager, Desert Breeze Mobile Home Estates (via email)
Dan Sackett, sKOO'kum h2o monitoring, inc., Contract Sampler (via email)

JSD/dc

Attachment A

Desert Breeze Mobile Home Estates

1502247

Distribution System Freq: 1/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/5/2015	10:42	1ROU	A	A		Routine			
2/4/2015	12:48	2ROU	A	A		Routine			
3/2/2015	11:02	3ROU	A	A		Routine			
4/6/2015	13:49	4ROU	A	A		Routine			
5/5/2015	12:16	5ROU	A	A		Routine			
6/3/2015	11:28	1ROU	A	A		Routine			
7/6/2015	11:35	2ROU	A	A		Routine			
8/4/2015	15:47	3ROU	A	A		Routine			
9/1/2015	11:56	4ROU	A	A		Routine			
10/20/2015	12:46	5ROU	P	A		Routine			
10/23/2015	9:11	1REP1	A	A		Repeat			
10/23/2015	9:17	1REP3	A	A		Repeat			
10/23/2015	9:23	1REP2	A	A		Repeat			
10/23/2015	9:32	Well 01-Part of Re	P	A		Repeat		MCL	Cit. #03-19-16C-006 issued.
10/27/2015	10:35	4ROU	A	A		Other			
10/27/2015	10:45	3ROU	A	A		Other			
10/27/2015	10:50	1ROU	A	A		Other			
10/27/2015	10:55	2ROU	A	A		Other			
11/17/2015	10:40	3ROU	A	A		Routine			
11/17/2015	10:45	1ROU	A	A		Routine			
11/17/2015	10:47	4ROU	A	A		Routine			
11/17/2015	10:52	5ROU	A	A		Routine			
11/17/2015	10:56	2ROU	A	A		Routine			

Desert Breeze Mobile Home Estates

1502247

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
10/23/2015	9:32	WELL #1	P	A			GWR & Repeat Samp
10/27/2015	11:04	WELL #1	A	A			
